

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – AUGUST 5, 2015

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 5th day of August 2015 at its meeting place in the Commissioners Courtroom of the Waller County Courthouse, Hempstead, Texas. The meeting was called to order by Waller County Judge Trey Duhon at 9:00 a.m. with the following members of the Court present to-wit:

Carbett "Trey" J. Duhon III, County Judge
 John A. Amsler, Commissioner Precinct 1
 Russell Klecka, Commissioner Precinct 2
 Jeron Barnett, Commissioner Precinct 3
 Justin Beckendorff, Commissioner Precinct 4
 Debbie Hollan, County Clerk

Delivery of Invocation by: Commissioner Amsler

Pledge to the American Flag and Texas Flag led by: Commissioner Barnett

1. **Approval of Agenda.**

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

PUBLIC COMMENT

1. Tom Brown personally thanked Judge Trey Duhon, District Attorney Elton Mathis, Mayor Michael Wolfe and all the leaders of our County for the way they conducted themselves during the tragedy of Ms. Sandra Bland.
2. David Allen commented on the Sandra Bland incident.
3. James Larry commented to the court his concerns for what he believes to be a lack of public safety in the City of Prairie View.
4. Dr. Denise Mattox addressed the court concerning safety, especially amongst the non-white females.
5. Gloria Thompson, Presiding Election Judge at Precinct 102, addressed the court regarding an issue that previously transpired at a polling location.
6. Constable Precinct 3 Hershel Smith commented on issues that have transpired while he has been in office.
7. Tom Merka addressed the court regarding the same issue Gloria Thompson addressed with the court concerning an incident that previously transpired at polling precinct 102.

CONSENT AGENDA (2-5 Items)

Items identified within the consent agenda are of a routine nature, and will be passed with one vote without being discussed separately. If a member of the court or public requests that a particular item be discussed, that agenda item will be pulled from the Consent Agenda and discussed as part of the regular agenda at the appropriate time. One vote will approve the remaining items on the Consent Agenda.

2. Approval of the minutes – July 29, 2015 Regular Session
3. Request by County Treasurer for approval of payroll.
4. Request to approve payment on the following:

August 5, 2015 Regular Session

DEFENDANTS000040

- (a) \$2,887.00 for Invoice # AH009896 to Harris County Treasurer from line item 125-423-540702 [Autopsy].
- (b) \$2,887.00 for Invoice # AH009900 to Harris County Treasurer from line item 125-423-540702 [Autopsy].
- (c) \$540.00 for Invoice to Schmidt Funeral Home from line item 125-423-540705 [Transport to Morgue].
- (d) \$585.00 for Invoice to Schmidt Funeral Home from line item 125-423-540705 [Transport to Morgue].
- (e) \$1,650.00 for Invoice # 753 to Phillips Electronic Security from line item 117-428-568425 (Misc. Security).

5. Request by County Auditor for approval and/or ratification of Accounts Payable.

Motion to **approve consent agenda items #2 - #5** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

COUNTY JUDGE

6. **Presentation** of collection report by Otilia Gonzales of Perdue, Brandon, Fielder, Collins & Mott LLP on delinquent taxes and fines and fee collections.

No action required.

JUSTICE OF THE PEACE, PRECINCT 2

7. Discuss and take action to transfer fixed assets to Maintenance and IT Department.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

TREASURER

8. Request to transfer fixed asset from Treasurer to Constable Precinct 3.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

CONSTABLE, PRECINCT 3

9. Discuss and take action to approve three (3) phones for Waller County Constable Precinct 3 office, **funds to be paid from line item 600-600-587519.**

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion to **amend** agenda item by adding “funds to be paid from line item 600-600-587519”.

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – No

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Amended Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – No

Commissioner Beckendorff – Yes

MAINTENANCE

10. Discuss and take action to select **Hills Construction** as Contractor for roof repairs at the Extension/JP 1 office.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion to **amend** item by Commissioner Amsler, seconded by Commissioner Klecka to select Hills Construction.

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – Yes

Commissioner Beckendorff – Yes

Amended Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – Yes

Commissioner Beckendorff – Yes

11. Discuss and take action to select **Hills Construction** as Contractor for roof repairs at the Adult Probation office.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion to **amend** item by Commissioner Beckendorff, seconded by Commissioner Amsler to select Hills Construction.

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – Yes

Commissioner Beckendorff – Yes

Amended Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – Yes

Commissioner Beckendorff – Yes

TAX ASSESSOR COLLECTOR

12. Discuss and approve refunds in excess of \$500.00 in accordance with section 31.11 Texas Tax Code.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – Yes

Commissioner Beckendorff – Yes

SHERIFF

13. Discuss and take action to approve Interlocal Agreement between Waller County and H-GAC for E9-1-1 Public Safety Answering Point Services

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion to **table** agenda item by Commissioner Amsler, seconded by Commissioner Klecka.

Motion carried – Item TABLED.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – Yes

Commissioner Beckendorff – Yes

Court recessed at 10:32 a.m.

Court reconvened at 10:38 a.m.

ELECTIONS ADMINISTRATOR

14. Discuss and take action to approve the Election Day and early voting polling place locations, and hours for the November 3, 2015 elections.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

15. Discuss and take action to approve the rate of pay for election judges and clerks, lead early voting clerks, early voting clerks, ballot board, central counting station, and technical and phone support personnel for the November 3, 2015 elections.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

16. Discuss and take action to approve the number of poll workers (i.e.) election clerks that may be hired in each early voting and election day polling location for the November 3, 2015 elections.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion to **amend** item by Commissioner Beckendorff, seconded by Commissioner Barnett to set the maximum limits on poll workers.

(Maximum limits on poll workers: 1 judge/lead clerk and 1 clerk from each party at any given time, not to exceed 4 total people per polling place at any given time. 4 total ballot board members, including the presiding judge and lead democratic clerk. Up to 4 central counting station personnel, including the presiding and alternate judges, not including regularly paid elections office staff. Up to 4 support personnel at a time for setting up polling places, other election related duties as needed right before and during early voting and on election day.)

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Amended Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

MISCELLANEOUS

17. Discuss and take action to approve the private resale offer for the following property: 0.0314 acres, Tract 1030, William Cooper Survey, A-20, Waller County, Texas, tax account R5053, in the amount of \$1,698.03 by Mr. Edgar Eden Bazan-Lopez and authorize the County Judge to sign a resale deed for said property to Mr. Edgar Eden Bazan-Lopez.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

18. Discuss and take action to approve the private resale offer for the following property: 1.0 acre, Tract 128, Jared E. Groce Survey, A-131, Waller County, Texas, tax account R10417, in the amount of \$1,428.82 by Mr. Edgar Eden Bazan-Lopez and authorize the County Judge to sign a resale deed for said property to Mr. Edgar Eden Bazan-Lopez.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

19. Discuss and take action to approve the private resale offer for the following property: Lot 7, Block 7, Walnut Bend Section 1, Waller County, Texas, tax account R29601, in the amount of \$7,144.74 by Mr. Edgar Edan Bazan-Lopez and authorize the County Judge to sign a resale deed for said property to Mr. Edgar Eden Bazan-Lopez.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

20. Discuss and take action to approve Burn Ban.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

21. Discuss and take action to approve the advertising for notice of Public Hearing on consideration of the below described property as designation for a reinvestment zone in the Times Tribune for two consecutive weeks. Advertising to be paid from Line Item 125-401-544100 [Bid Notices and Printing].

Houston Executive Airport

New Commercial hangar designated as hangar HC108

1900 Cardiff Road

Brookshire, Texas 77423

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

22. Discuss and take action to approve the 2015 appointments to the H-GAC advisory committees.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

EXECUTIVE SESSION

23. Consultation with District Attorney about pending or contemplated litigation.
24. ~~Consultation with Attorney JD Head of Fritz, Byrne, Head & Fitzpatrick, PLLC, via telephone conference call, regarding contested case hearing in SOAH Docket No. 582-14-3597, and 2011 Landfill Ordinance [Executive Session as requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)].~~ **Item WITHDRAWN.**

25. ~~Consultation with Attorney JD Head of Fritz, Byrne, Head & Fitzpatrick, PLLC, via telephone conference call, regarding pending or contemplated litigation with CenterPoint Energy Houston Electric, LLC [Executive Session as requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)].~~ **Item WITHDRAWN.**

Court **convened** to Executive Session at 11:05 a.m.

Court **reconvened** from Executive Session at 11:39 a.m.

26. Reconvene in Open Session to take any action necessary on matters discussed in Executive Session.

No action taken from Executive Session.

ADJOURN MEETING

Motion to **adjourn** meeting by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

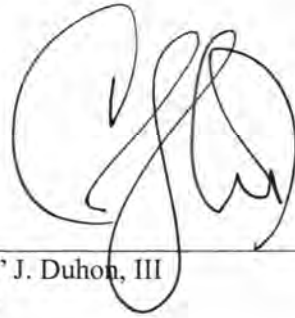
Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

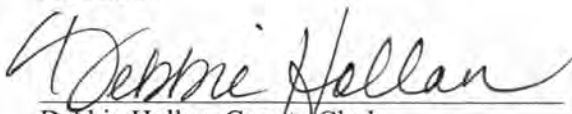
Meeting was **ADJOURNED** at 11:39 a.m.

APPROVED this the 12th day of August 2015.



Carbett "Trey" J. Duhon, III
County Judge

ATTEST:



Debbie Hollan, County Clerk
And Ex-Officio Clerk of the Commissioners'
Court of Waller County, Texas



NOTICE OF SPECIAL ELECTION
(Aviso de Elección Especial)

To the registered voters of the County of Waller, Texas:
(A los votantes registrados del Condado de Waller, Texas)

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m., December 6, 2014, for voting in a special election to amend the Texas Constitution and to Legalize "the sale of all alcoholic beverages including mixed beverages" in Waller County.

(Notifíquese por la presente, que las casillas electorales citadas abajo se abrirán desde las 7:00 a.m. hasta las 7:00 p.m. el 6 de Diciembre de 2014 para votar en la Elección Especial para elegir el Senador Estatal en Distrito Num. 18.)

On Election Day, voters must vote in their precinct where registered to vote.
(El Día de Elección, los votantes deberán votar en su precinto donde están inscritos para votar.)

Location of Election Day Polling Places (Ubicación de las casillas electorales el Día de Elección)	
Pct (Precinto) 101: St. Bartholomew's Episcopal Church, 811 14 th St., Hempstead (County only)	
Pct (Precinto) 102: Waller County Annex, 775 Bus. 290 East, Hempstead (County + ISD)	
Pct (Precinto) 103: Hempstead High School Library, 801 Donoho St., Hempstead (County only)	
Pct (Precinto) 104: Waller County Fairgrounds, 21988 FM 359, Hempstead (County + ISD)	
Pct (Precinto) 105: Rolling Hills Vol. Fire Dept., 31601 FM 1736, Hempstead (County + ISD)	
Pct (Precinto) 206: Fieldstore Elementary School, 31670 Giboney Rd., Waller (County + ISD)	
Pct (Precinto) 207: Turlington Elementary, 23400 Hegar Rd., Hockley (County + ISD)	
Pct (Precinto) 208: Waller ISD Admin Bldg., 2214 Waller St., Waller (County + ISD)	
Pct (Precinto) 309: Willie A Tempton, Sr., Memorial Student Center, Prairie View A & M University	
Pct (Precinto) 310: Prairie View City Hal, 44500 Bus. Hwy. 290 East, Prairie View I (County + ISD)	
Pct (Precinto) 311: Monaville County Building JP3, 12620 FM 1887, Hempstead (County only)	
Pct (Precinto) 312: Monaville Fire Department, 13631 Cochran Rd., Waller (County + ISD)	
Pct (Precinto) 313: Adam's Flat Building, 36249 FM 529, Brookshire (County only)	
Pct (Precinto) 414: Mt. Zion Methodist Church, 4998 Mt. Zion Road, Brookshire (County only)	
Pct (Precinto) 415: Pattison VFW, 2950 FM 359 North, Pattison (County only)	
Pct (Precinto) 416: Brookshire Convention Center, 4027 5 th St., Brookshire TX 77423 (County only)	
Pct (Precinto) 417: Waller Co. Library, 3815 6 th St., Brookshire (County only)	
Pct (Precinto) 418: Igloo 777 Igloo Rd., Katy (County only)	
Pct (Precinto) 419/420: Katy VFW Hall, 6202 George Bush Drive, Katy (County only)	

For early voting, a voter may vote at any of the locations listed below:
(Para Votación Adelantada, los votantes podrán votar en cualquiera de las ubicaciones nombradas abajo.)

MAIN EARLY VOTING POLLING PLACES (Ubicación de las casillas electorales de votación adelantada)	Days and Hours of Operation (Días y Horas de Operación)
Waller County Courthouse (Corte del Condado de Waller), 836 Austin St., Hempstead TX.	8:00am-5:00pm October 19-21, October 26-28 (19-21, 26-28 de Octubre, 2015)
Waller ISD Administration Building (Oficina de Administración), 2214 Waller St., Waller	8:00am-8:00pm October 22-23, October 29-30 (22-23, 29-30 de Octubre, 2015) 9:00 am-1:00 pm October 24 (24 de Octubre, 2015)

BRANCH EARLY VOTING (votación por anticipado será) will be conducted on October (octubre) 22-24

5pm – 8 pm Thursday (jueves) October (octubre) 22
8 am – 8 pm Friday (viernes) October (octubre) 23
9 am – 1 pm Saturday (sábado) October (octubre) 24

Turlington Elementary School, 23400 Hegar Rd., Hockley
Fieldstore Elementary School, 31670 Giboney Rd., Waller
Prairie View City Hall, 44500 Bus. U.S. 290, Prairie View
Monaville JP 3 Building, 12620 FM 1887, Hempstead
Waller Co. Library at Brookshire, 3815 6th St., Brookshire
Katy VFW Hall, 6202 George Bush Ave., Katy

Waller County Courthouse and Waller ISD Administration Building will also be open these days and times.
La Corte del Condado de Waller y Waller ISD Oficina de Administración también estarán abiertos estos días y horas.

Extra Branch Early Voting (sucursal adicional para votación por anticipado)
8 am to 8 pm Thursday (jueves), October (octubre) 22

Waller ISD High School, 20950 Field Store, Waller TX 77484

Applications for ballot by mail shall be mailed to:
(Las solicitudes para boletas de votación adelantada por correo deberán enviarse a:)

Dan Teed, Waller County Elections Administrator
836 Austin Street
Hempstead TX 77445

Applications for ballots by mail must be received no later than the close of business on **Friday, October 23, 2015.** (Las solicitudes para boletas que se votarán en ausencia por correo deberán recibirse para el fin de las horas de negocio el) **Viernes, 23 de Octubre, 2015.**

Issued this the 26th day of November, 2014, (Emitida este día 26th de Noviembre, 2014.)

Signature of County Judge (Firma del Juez del Condado)